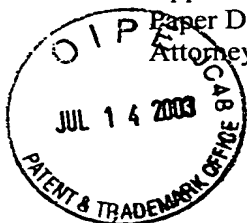


Application No. 09/875,323
Paper Dated: July 10, 2003
Attorney Docket No. 3833-010852



DAE
#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/875,323
Applicant : Dale Starkey
Filed : June 6, 2001
Title : EPOXY MOLDING COMPOUNDS CONTAINING
PHOSPHOR AND PROCESS FOR PREPARING SUCH
COMPOSITIONS
Group Art Unit : 1732

MAIL STOP PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION
ABANDONED FOR FAILURE TO NOTIFY OF A FOREIGN FILING

The above-identified application was filed on June 6, 2001, including a Request for Non-Publication. On June 5, 2002 and June 6, 2002, corresponding applications were filed in foreign countries and under a multinational international treaty that requires publication of the applications eighteen months after filing. Subsequently, on June 12, 2002, within 45 days of the foreign filing, Applicant filed a "Request to Rescind the Previous Non-Publication Request", requesting that the previously filed non-publication request be rescinded and that the application be published. The rescission request was granted, and the application subsequently published 18 months after filing on January 2, 2003 under Publication No. US 2003/0001140.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 10, 2003.

Michelle Pichora
(Name of Person Mailing Paper)

Michelle Pichora
Signature

07/10/2003
Date

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OFFICE OF PETITIONS

During a recent review of the file, Applicant's undersigned representative noticed that the rescission request as filed on June 12, 2002 merely requested that the non-publication request be rescinded, without providing notice of the foreign filing under 35 U.S.C. § 122(b)(2)(B)(iii). Accordingly, while the non-publication request was in fact timely rescinded and the application in fact was published, it appears that the above-identified application may be regarded as abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is believed to be the day after the expiration date of the forty-five (45) day period set forth in 35 U.S.C. § 122(b)(2)(B)(iii).

Pursuant to 37 CFR § 1.137(f), Applicant hereby petitions for revival of this application under 37 CFR § 1.137(b).

As the non-publication request was timely rescinded and the application was in fact published, the failure to provide notice of the foreign filing under 35 U.S.C. § 122(b)(2)(B)(iii) did not result in any delay in publication or any delay in prosecution. Accordingly, Applicant respectfully requests that the fees for revival of this application as unintentionally abandoned be waived, and that only a petition fee in the amount of \$130.00 be charged for this petition. In the event that the Office fails to waive the revival fees, enclosed please find a check in the amount of \$1,300.00 to cover the cost to revive this application. The Commissioner for Patents is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 23-0650. The original and two copies of this Petition are enclosed.

Notice is further provided herewith of foreign and international filing under 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR § 1.213(c). The filing dates of the subsequently-filed foreign and international applications are June 5, 2002 and June 6, 2002, respectively.

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The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR § 1.137(b) was unintentional.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By



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